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UNCLAS AMMAN 005723

SIPDIS

DEPT. FOR IO, PRM AND NEA

E.O. 12958: N/A

TAGS: KPAL PREF PTER XF UNRWA UN

SUBJECT: UNRWA'S FORMAL RESPONSE TO DEMARCHE PREVENTING UN CONTRACTS WITH TERROR ORGANIZATIONS

REF: A. AMMAN 5286
B. STATE 118455

UNRWA delivered on July 13 its formal response to ref B demarche, outlining the need to establish safeguards to prevent the UN entering into contractual relationships with organizations on the U.S. Treasury list. The text of the letter follows.

BEGIN TEXT:

13 July 2005

Dear Mr. Hale,

Thank you for your letter of 26 June 2005, sent to us by facsimile on 28 June 2005. The Agency, as you may know, has long been concerned with its responsibility to avoid contractual or financial relationships between UNRWA and terrorists or terrorist organizations.

In September 2002 the Agency added to its general conditions of contract the following provisions:

Contractors Representation and Warranty

The Contractor ("Supplier" for procurement of goods) represents and warrants that neither it nor any of its suppliers is engaged in any transactions with, and/or the provision of resources and support to, individuals and organizations associated with, receiving any type of training for, or engaged in, any act or offense described in Article 2, Sections 1, 3, 4 and 5 of the International Convention for the Suppression of the Financing of Terrorism adopted by the General Assembly of the United Nations in Resolution 54/109 of 9 December 1999. Any breach of this representation and warranty shall entitle UNRWA to terminate this contract immediately upon notice to the Contractor ("Supplier" for procurement of goods), at no cost to UNRWA.

In the past, we have believed that the likelihood of the Agency becoming involved with international terrorist organizations that appear on the lists of the UN 1267 Sanctions Committee was minimal, due to the nature of the Agency's contracting. Still, out of an abundance of caution, and for the reasons you have set forth in your letter, we consider your suggestion that the Agency compare the names of its contractors with the names on the lists of the UN 1267 Sanctions Committee a good one, and we are proceeding to undertake this task. The number of names on the 1267 Sanctions Committee lists (currently 442) represents a consensus of the international community, which we believe the Agency should observe.

The suggestion that the Agency should deal in a similar manner with the lists created by the United States Treasury we understand has been made to a number of United Nations agencies. We have been informed, therefore, that the matter is being reviewed by the United Nations Legal Counsel, M. Nicolas Michel, in New York. Once we receive advice from UN Headquarters, I shall write you again.

Mr. David Hale
Charge d'Affairs, a.i.
Embassy of the United States of America
Amman, Jordan

Lastly, as you have requested, I assure you that the Agency will inform you if, despite its efforts, it learns that it has entered into a contractual or financial relationship with any terrorist or terrorist organization.

Very truly yours,

Karen Koning AbuZayd
Commissioner-General

END TEXT

HALE